

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Collins Iheme,

Case No. 20-CV-1789 (PAM/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Vicky Jenssan,
Warden,

Defendant.

In an order dated November 10, 2020, this Court explained that both the complaint and the amended complaint filed by plaintiff Michael Collins Iheme failed to state a claim for relief against the lone defendant named to this action. See ECF No. 15. Iheme was given 30 days in which to file a second amended complaint raising a viable claim for relief, failing which it would be recommended that this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915A. *Id.* That deadline has now passed, and Iheme has not yet filed a second amended pleading. The amended complaint [ECF No. 14] remains the operative pleading in this matter, and that pleading does not contain a viable claim for relief against defendant Vicky Jenssan, the warden of the facility where Iheme is detained. Accordingly, this Court now recommends—for the reasons set forth in greater detail in its prior order—that this action be dismissed without prejudice for failure to state a claim on which relief may be granted.

RECOMMENDATION

Based upon the foregoing, and on all the files, records, and proceedings herein, this Court RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915A.

Dated: January 4, 2021

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).